

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

**PARTNERS IN PORK, L.L.C. and  
ARIES SOW, LLC**

As Proposed Owner and Operator of  
Stateline Pork Facility# 61000

ADMINISTRATIVE CONSENT ORDER

NO. 2008-AFO- 19

TO: Daryl Olsen, Registered Agent  
Aries Sow, LLC  
508 Market Street  
Audubon, IA 50025

Jim Schendt  
Partners In Pork, L.L.C.  
196 East RR  
Afton, IA 50830

**I. SUMMARY**

This administrative consent order is entered into between Partners In Pork, L.L.C. (PIP), Aries Sow, LLC (Aries) and the Iowa Department of Natural Resources (DNR) to resolve issues relating to the proposed acquisition by PIP and operation by Aries of the Stateline Pork facility presently owned and operated by Whitestone Farms, LLP. The sole purpose of this administrative consent order is to create a compliance schedule for reducing the population of the Stateline Pork facility to comply with Construction Permit #CP-A94-104.

Any questions regarding this administrative consent order should be directed to:

Kelli Book, Attorney  
DNR – Legal Services  
7900 Hickman Road, Suite 1  
Urbandale, Iowa 50322  
(515) 281-8563

**II. JURISDICTION**

This administrative order is issued pursuant to Iowa Code section 455B.175(1), which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code Chapter 455B, Division III, Part 1 or Iowa Code Chapter 459 and the rules adopted pursuant thereto.

**III. STATEMENT OF FACTS**

1. The Stateline Pork facility is located at 300 Osage Street in Mt. Ayr, Iowa (SW 1/4 Section 26, Middle Fork Township, Ringgold County, Iowa). The facility is currently owned by Whitestone Farms, LLP. Aries has informed the DNR that PIP intends to

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purchase the building and land where the Stateline Pork facility is located and Aries will own the animals and operate the facility. The closing date is scheduled on or around June 5, 2008.

2. Aries has informed the DNR that the Stateline Pork facility is being operated at a capacity above the permitted limit, in violation of DNR Construction Permit #CP-A94-104. Aries stated that the violation was created by previous owners of the facility and that Aries and PIP intend to bring the facility back into compliance with the permitted limit. Aries has informed the DNR that the population as of the week of May 9, 2008 is 2,581 adult sows and gilts, 6 boars, and 2,500 – 3,000 unweaned pigs. Aries has stated in order to reduce the actual population to the permitted level by the closing date, it would need to cull pregnant animals. Aries stated it would be possible to reduce the population to the permitted level without culling pregnant animals in 90 days.

3. In 1994, the Stateline Pork facility was issued Construction Permit #CP-A94-104. The construction permit was issued for a swine confinement operation with 2,400 sows and 1,000 finishing. The design capacity for the waste control system was for an animal loading of 990,000 pounds live animal weight. The facility is currently being operated over the permitted limit.

#### IV. CONCLUSIONS OF LAW

1. Iowa Code section 459.103 provides that the Environmental Protection Commission (Commission) shall adopt rules related to the construction or operation of animal feeding operations, including permit and minimum manure control requirements. The Commission has adopted such rules at 567 IAC Chapter 65.

2. Iowa Code subsection 459.103(2) states that any provision referring to compliance with the requirements of this chapter as applied to animal feeding operations also includes compliance with conditions applicable to permits. The Stateline Pork facility is being operated above the construction permit capacity limits. Construction Permit #CP-A94-104 states that the capacity of the facility is 2,400 sows and 1,000 head finishing with a design capacity of the waste control system at an animal loading of 990,000 pounds. Aries has stated the current population of the facility is 2,581 adult sows and gilts, 6 boars, and 2,500 – 3,000 unweaned pigs. The above stated facts demonstrate a violation of the code section and the construction permit.

#### V. ORDER

THEREFORE, the DNR orders and PIP and Aries agree to the following:

1. PIP and Aries shall submit a written animal inventory to DNR Field Office 4 within seven days of the closing date of the sale from Whitestone Farms, LLC. The

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inventory shall specify the number of each type of animal (e.g. gestating gilt, sow with litter) and the average weight for each type of animal;

2. PIP and Aries shall submit written animal inventories completed as specified in paragraph 1, above, to DNR Field Office 4 every 30 days thereafter until the facility is in compliance with the permitted capacity; and

3. The reduction of the population to the permitted limit shall be completed within 90 days of the closing date of the sale from Whitestone Farms, LLC. The reduced population shall not exceed 990,000 pounds live animal weight.

**VI. WAIVER OF APPEAL RIGHTS**

This administrative consent order is entered into knowingly and with the consent of PIP and Aries. For that reason, PIP and Aries waive the right to appeal this order or any part thereof.

**VII. NONCOMPLIANCE**

Failure to comply with this administrative consent order may result in additional enforcement action by the DNR, including the assessment of penalties. DNR agrees to forego any additional enforcement action, including a penalty assessment, for capacity violations for 90 days from when PIP and Aries close on the sale of the Stateline Pork facility if PIP and Aries comply with the requirements stated in Section V of this administrative consent order. Compliance with Section V of this administrative consent order constitutes full satisfaction of all requirements pertaining to the specific violations described in Section IV of this administrative consent order. The DNR specifically reserves the right to pursue an enforcement action, including penalties, if the facility is not operating at its permitted capacity 90 days after the closing and for any future violations at this facility.

  
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RICHARD A. LEOPOLD, DIRECTOR  
Iowa Department of Natural Resources

Dated this 6 day of  
June, 2008.

  
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PARTNERS IN PORK, L.L.C.

Dated this 3rd day of  
June, 2008.

  
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ARIES SOW, LLC

Dated this 30<sup>th</sup> day of  
May, 2008.

#61000; Kelli Book; Field Office 4; Kenneth Hessenius; Gene Tinker; EPA; VIII.A.2